THE HONOURABLE SRI BILAL NAZKI, THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 15283 OF 2005

6th October 2005

Between:

Syed Khader Hussain …Petitioner.

AND

The Commissioner of Prohibition
and Excise, A.P., Hyderabad & others. …Respondents.

ORDER :

(Per the Hon'ble Sri Bilal Nazki, the Acting Chief Justice)

The Writ Petition has been filed with a grievance that the official respondents allowed respondent No.5 is to open a bar within prohibited distance of a mosque. He wants that bar should be closed.

The grant of licence is governed by G.O.Ms.No. 997, Revenue (Ex.II) Department, dated 24-5-2005, which lays down that there cannot be bar within 50 meters of institutions including institutions of public worship such as temple, mosque and church.

In the counter affidavit, it is stated that distance originally measured between the bar and the mosque was 45 meters, but, alterations were made and the gate of the premises was changed by respondent No.5 and now the actual distance

between the mosque and the center of the gate is more than 50 meters. The rule regarding measurement is laid down in explanation to Rule 6 of G.O.Ms.No.997, dated 24-5-2005. Amongst others, it lays down “the distance referred to above shall be measured from the mid point of the entrance of the proposed bar premises along with the nearest path by which pedestrian ordinarily reaches to the mid-point of the nearest gate of the institution or a place of public worship, if there is a compound wall and if there is no compound wall to the mid-point of the nearest entrance of the institution/place of public worship or to the entrance of the first house of the predominantly residential area.” Since Rules provide that distance has to be measured from the center of the entrance of the premises, which is being used as Bar, this Court cannot hold otherwise. The licensee had managed this rule by creating door on a suitable side of the premises. As long as the rule is there, this Court will not be in a position to interfere in the matter. Although it is true that the premises in which now the liquor is sold and consumed is within 50 meters of the mosque, but the central point of the door to the premises is not within 50 meters. It is for the authorities to look into and see if any amendment to such rules is necessary.

With these observations, we dismiss the Writ Petition.

(BILAL NAZKI, ACJ)

(R. SUBHASH REDDY,J)

DATED: 06-10-2005.

Ars/Msnr.